

MEMBERS' CODE OF CONDUCT ("the Code")

INTRODUCTION (This does not form part of the Code)

The London Borough of Camden ("the Council") is under a legal duty to promote and maintain high standards of conduct by Members and co-opted Members of the Council.¹ In addition the Council is under a legal obligation to have a Code of Conduct.²

The Council, in discharge of this duty, has adopted a Code dealing with the conduct that is expected of Members and co-opted Members of the Council when they are acting in that capacity.

This Code of Conduct, when viewed as a whole, is consistent with the following seven principles³ as more particularly described in the Appendix of this Code:

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

Those parts of the code in **RED and in boxes** are also matters which could attract a criminal sanction.

THE CODE

1. Introduction and Interpretation

- A.** (i) This Code applies to you as a Member of the Council.
- (ii) It is your responsibility to comply with the provisions of this Code.
- (iii) In this Code, the following definitions shall apply:

¹ s27(1) Localism Act 2011 ("LA 2011")

² S27(2) LA Act

³ Seven Nolan Principles of Public Life, with which the code must be consistent as set out in s28(1) LA 2011

“Council” means The London Borough of Camden;

"Meeting" means any meeting of the Council or the Cabinet, committees, sub-committees, joint committees, joint sub-committees, or area committees;

“Informal Meeting” means any meeting of the Council at which Members are present to discuss business to be transacted by the Council;

"Member" includes Councillors and co-opted Members. A co-opted Member is not a Councillor, however:

- (i) is a member of any committee or sub-committee of the Council; or
- (ii) is a member of, and represents the Council on, any joint committee or joint sub-committee of the Council whether or not they are entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.⁴

“Pending Notification” shall mean the interest has been notified to the Council’s Borough Solicitor, but has not been entered in the Register;

“Register” means the register of Members’ and co-opted Members’ interests, maintained by the Borough Solicitor;

“Relevant Authority” includes any county council in England, a district council, a London Borough council, a parish council and the Greater London Authority.⁵

- B.**
- (i) Subject to sub-paragraph (ii), you must comply with this Code whenever you:
 - (a) conduct the business of the Council (which includes the business of the office to which you are elected or appointed to); or
 - (b) act, claim to act or give the impression you are acting as a representative of the Council and references to your official capacity are construed accordingly.
 - (ii) This Code shall apply:
 - (a) in relation to your conduct in your official capacity;
 - (b) to your conduct where that conduct constitutes a criminal offence for which you have been convicted or for which you have received a caution and that the behavior which led to either the conviction or the caution was while you were acting in the capacity as a Member; and

⁴ S27(4) LA 2011 defines co-opted member as those who may vote but the Council has extended the definition to include those who do not have a vote.

⁵ The full list is provided in s27(6) LA 2011

- (c) where you act as a representative of the Council:
- for another Relevant Authority, and you must, when acting for that Relevant Authority, comply with their members' code of conduct; or
 - for any other body, and you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

2. General Obligations

- A.** You must treat others with respect.
- B.** You must not:
- (i) do anything which may cause the Council to breach any of the equality enactments;
 - (ii) bully any person;
 - (iii) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings in relation to an allegation that a Member (including but not limited to yourself) has failed to comply with his or her council's code of conduct; or
 - (iv) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- C.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- D.** You must when in committee or Council behave in an appropriate way and under the direction of the Chair/Mayor. This includes using appropriate language, fit for the occasion and subject
- E.** You must not disclose information:
- (a) given to you in confidence by anyone; or
 - (b) acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature;
- except where:

- 1) you have the consent of a person authorised to give it; or
 - 2) you are required by law to do so; or
 - 3) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - 4) the disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the Council.
- (ii) You must not prevent another person from gaining access to information to which that person is entitled by law.
- F.** (i) You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- (ii) When using resources of the Council, or authorising their use by others, you must:
- (a) act in accordance with the Council's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) have regard to any applicable Local Authority Code of Publicity made pursuant to the Local Government Act 1986.
- G.** (i) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
- (a) Camden's Executive Director Corporate Services; or
 - (b) Camden's Borough Solicitor
- where those officers are acting pursuant to their statutory duties.
- (ii) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.
- G.** Without prejudice to any criminal offence which may or may not have been committed it shall be a breach of this code for a Member to have been engaged in treating as defined by Section 114 of the Representation of the People Act 1983.

3. Registration of Members' Interests

- A.** You must before the end of 28 days, beginning with the day on which you become a Member, notify the Borough Solicitor of any Disclosable Pecuniary Interest (in accordance with Paragraph 4 below) which you have at the time when the notification is given.⁶
- B.** You may at any time inform the Borough Solicitor of Non-Pecuniary Interests in accordance with Paragraph 6A.
- C.** If you become a Member as a result of re-election or re-appointment, you must inform the Borough Solicitor, in accordance with Paragraph 3A, of any Disclosable Pecuniary Interests (and may inform the Borough Solicitor of any Non-Pecuniary Interests in accordance with Paragraph 6A) not previously entered within the Register or if the Borough Solicitor issues a new form of the register to be completed by the member and returned to the Borough Solicitor within 28 days of notification of the change.
- D.** Subject to Paragraph 7 (Sensitive Interests), where you give notification to the Council for the purposes of Paragraph 3A, the Borough Solicitor is to cause the interests notified to be entered in the Register (whether or not they are Disclosable Pecuniary Interests).⁷
- E.** The form of Register will be decided by and maintained by the Borough Solicitor.⁸
- F.** Entries in the Register will be removed where:⁹
- (i) you no longer have the interest and you inform the Borough Solicitor of this fact and request removal; or
 - (ii) you cease to be a Member (for whatever reason).
- G.** A copy of the Register will be available for inspection at the Town Hall during working hours.¹⁰
- H.** The Register shall also be published on the Council's website.¹¹

⁶ S30(1) LA 2011; S34(1(a) & s34(2) – an offence is committed if a Member fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

⁷ S30(4) LA 2011

⁸ S29(1) – the monitoring officer of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority. S29(2) – subject to requirements, council must determine what is to be entered in the authority's register.

⁹ S29(3) LA 2011

¹⁰ S29(5) LA 2011

¹¹ A digital copy of each councillor or co-optee's register of interest is maintained through their individual webpage on democracy.camden.gov.uk

Borough Solicitor's Informative Note: Online versions of register of interests are deleted once they cease to be an active record, either due to a newer version having been published or as a councillor or co-optee has ceased to serve. Hard copies of register of interests will be kept by the Council for 6 years after the date for which they were last an active record; this rule applies

4. Disclosable Pecuniary Interests¹²

A. A Disclosable Pecuniary Interest is defined in legislation as:¹³

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

regardless of whether the individual is still a serving councillor or co-optee. After this period they will be disposed of confidentially.

¹² S28(2) LA 2011

¹³ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Corporate tenancies

Any tenancy where (to M's knowledge)—

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either—

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

B. For the purposes of this Code, if an interest falling within the definition in Paragraph 4A is an interest of the:

- (i) Member; or
- (ii) Member's spouse or civil partner or a person with whom the member is living as husband or wife or a person with whom the member is living as if they were civil partners, and the Member is aware that that other person has the interest, then the interest is a Disclosable Pecuniary Interest.¹⁴

C. Paragraphs 4D – 4H shall apply when you are present at a Meeting or Informal Meeting (as defined), and have a Disclosable Pecuniary Interest in any matter, which you are aware will be considered at that Meeting or Informal Meeting.¹⁵

¹⁴ S30 (3) LA 2011

¹⁵ S31(1) LA 2011

D. When present at a Meeting or Informal Meeting, if your Disclosable Pecuniary Interest is not entered in the Register, you must disclose the existence and details of the Disclosable Pecuniary Interest to the Meeting.

or Informal Meeting, subject to Paragraph 7 (Sensitive Information).¹⁶

E. If the Disclosable Pecuniary Interest is not entered in the Register and is not the subject of a Pending Notification, you must notify the Borough Solicitor of the Disclosable Pecuniary Interest before the end of 28 days beginning with the date of disclosure at the Meeting.

or Informal Meeting.

F. Upon receipt of a notification, the Borough Solicitor shall enter the disclosed interest in the Register (whether or not it is a Disclosable Pecuniary Interest).¹⁷

G. Subject to Paragraph 8 (Dispensation) and Paragraph 9, you may not:

(i) participate, or participate further, in any discussion of the matter at the Meeting

or Informal Meeting; or

(ii) participate in any vote or further vote taken on the matter at the Meeting

or Informal Meeting

and then you must in accordance with Standing Orders and to comply with this Code leave the room for the duration of the matter's consideration.¹⁸

H. You must not take any steps, or any further steps, in relation to the matter.¹⁹

Information Note

Members when considering whether or not they have a pecuniary interest must also consider and, if necessary, take advice on:

¹⁶ S31(2) LA 2011; S34(1(a) & s34(2)– an offence is committed if a Member fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

¹⁷ S31(9) LA 2011

¹⁸ S28(4) LA 2011 – a decision is not invalidated just because something that occurred in the process of making the decision involved a failure to comply with the Code.

¹⁹ S31(8) LA 2011; S34(1(b) & (c) – an offence is committed if a Member fails to comply with this obligation without reasonable excuse.

- i) Whether they may, because of personal interests, be seen as being biased – in effect they have, for whatever reason, a further interest, which may not amount to a pecuniary interest, in the outcome, which would cause them to be incapable of being impartial and could render the decision-making unlawful. The issue of bias should be also considered alongside whether or not they have a non-pecuniary interest, which is part of the formal Code, as there is likely to be an overlap;
- ii) For quasi-judicial matters, whether they have pre-determined the issue – in other words done or said anything which makes it clear that their mind is closed. This does not prevent Members expressing opinions on applications as long as it is clear they have not entirely made up their minds.²⁰

5. Single Member decision making²¹

A. Paragraphs 5B – 5E apply when you are a Single Member discharging a function who has a Disclosable Pecuniary Interest in any matter you are or will be dealing with, and you are aware that such matter will be dealt with by yourself.²²

B. If the Disclosable Pecuniary Interest is not entered in the Register and is not subject to a Pending Notification you must notify the Borough Solicitor of the Disclosable Pecuniary Interest before the end of 28 days beginning with the date of when you became aware that the circumstances described in Paragraph 5A apply.²³

C. Upon receipt of notification, the Borough Solicitor shall enter the interest in the Register (whether or not it is a disclosable pecuniary interest).²⁴

D. Subject to Paragraph 8 (Dispensation), you may not:

(i) participate, or participate further, in any discussion of the matter at the Meeting or

Informal Meeting; or

²⁰ S25(2) LA Act - A decision-maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because— (a) the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and (b) the matter was relevant to the decision.

²¹ S31 LA 2011

²² S31(6) LA 2011

²³ S31(7) LA 2011; S34(1(a) & s34(2)— an offence is committed if a Member fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

²⁴ S31(9) LA 2011; S34(1(a) & s34(2)— an offence is committed if a Member fails to comply with this obligation without reasonable excuse or provides information he/she knows to be false or misleading or is reckless as to whether the information is true and misleading

- (ii) participate in any vote or further vote taken on the matter at the Meeting or

Informal Meeting.

- E. You must not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by yourself.²⁵

6. Non-Pecuniary Interests²⁶

- A. You should in the spirit of openness disclose any other interest on a matter being, or to be considered, at a Meeting or Informal Meeting, which a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest, and such declarations should:

- (i) include the nature and extent of your interest;
- (ii) state whether or not you consider that they impact upon your ability to participate or further participate in any discussion of the matter at the meeting or participate in any vote or further vote on the matter at the meeting.

Should you consider that the nature of the interest does adversely impact upon your ability to participate then you should remove yourself from the room for the duration of the matter's consideration, take no part in the discussion or decision-making, or otherwise in any way seek to influence the matter.

- B. Interests pursuant to Paragraph 6A are not required to be recorded in the Register, although may be added at your discretion, in accordance with Paragraph 4F.

Information Note

When considering whether they have interests in matters before them, Members should note the concept of conflicts of interest, defined as a *“conflict between the public duty and the private interests of a public official in which the official's private-*

²⁵ S31(8) LA 2011. This would include an email to another Cabinet member or conversations with them asking them to take responsibility for the particular issue; S34(1)(b) & (c) – an offence is committed if a Member fails to comply with this obligation without reasonable excuse

²⁶ S28(2)(b) LA 2011

*capacity interest could improperly influence the performance of their official duties and responsibilities.*²⁷ Conflicts of interest could include matters which are not disclosable pecuniary or non-pecuniary interests, and so Members should be mindful of any such conflicts, seeking advice as necessary, because of the potential impact they may have on decision-making. It is also important to note that the definition is “could” improperly influence not “will”. The test is whether a fair-minded and informed observer having considered the facts would conclude that there was a real possibility of a conflict.

7. Sensitive information

- A.** Where you have an interest (pecuniary or non-pecuniary) and the nature of the interest is such that you, with the agreement of the Borough Solicitor, consider that disclosure of the details of the interest could lead to you, or a person connected to yourself, being subject to violence or intimidation then Paragraph 7B shall apply.²⁸
- B.** If the interest is entered in the Register, copies of the Register that are made available for inspection and any published version of the Register will not include details of the sensitive interest but will say that you have an interest, the details of which are withheld pursuant to section 32(2) Localism Act 2011.
- C.** Should Paragraph 7B apply to an interest, your interest must still be disclosed at Meetings and Informal Meetings in accordance with this Code, albeit that the disclosure can be limited to the fact that you have a Disclosable Pecuniary Interest in the matter.

8. Dispensations (from Paragraphs 4G and 5D)

- A.** The Borough Solicitor may, on written request made by you or another Member, grant a dispensation relieving particular Members for either or both of the restrictions in Paragraph 4G and 5D in cases described in the dispensation.²⁹
- B.** The Borough Solicitor may (or may at his/her discretion refer the matter to the Standards Committee who may subsequently) grant particular Members a dispensation under this Paragraph 8 only if, after having regard to all the circumstances, they consider that:³⁰
 - (a) without the dispensation the number of persons prohibited by Paragraph 4G and Paragraph 5D from participating in any particular business would

²⁷ Organisation for Economic Co-operation and Development, *Managing Conflict of Interest in the Public Sector*; (OECD Publishing, 2005), page 13;

²⁸ S32(1) LA 2011

²⁹ S33(1) LA 2011

³⁰ S33(2) LA 2011

- be so great a proportion of the body transacting the business as to impeded the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to that business;
 - (c) granting the dispensation is in the interests of persons living in the Council's areas;
 - (d) without the dispensation each Cabinet Member would be prohibited from participating in any particular business to be transacted by the Cabinet; or
 - (e) consider that it is otherwise appropriate to grant a dispensation.

C. A dispensation under this Paragraph 8 must specify the period for which it has effect and the period specified may not exceed four years.³¹

9. Pecuniary Interests and Rights to make Representations

Notwithstanding the fact that a Member may have a pecuniary interest they may, having taken advice from the Borough Solicitor as to the particular circumstances, nonetheless still make representations or speak at a meeting in the capacity of a private individual should a member of the public have such a right, taking care to ensure that they do not enter into debate while making their representations. The Member will however upon having made whatever representations which are accorded a member of the public immediately leave the room and take no part in any discussion or decision making and otherwise comply with any reasonable directions from the Borough Solicitor concerning their participation. The Member may also or as an alternative (should the member of the public have the right) make representations in writing.

10. Related documents

A. The Council has adopted codes and protocols which do not form part of this Code but which deal with specific activities that you may be required to carry out in the course of your duties. You are required to comply with the latest version of these from time to time and any breach may be regarded as a breach of this Code.

B. The following codes and protocols are currently in effect to which Paragraph 10A have affect:

- Member/Officer Protocol
- Planning and Licensing Protocol
- Use of IT
- Gifts and Hospitality Protocol
- Ministerial and Political Visits

³¹ S33 (3) LA 2011

APPENDIX

The Seven Principles of Public Life

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

NOTES

The following notes do not form part of the code and are for information purposes only

- *Failure to comply with those parts of the code marked in **red and in boxes**, may amount to a criminal offence unless the member has a reasonable excuse. Please note that Camden has voluntarily decided to include informal meetings as defined within the code but the criminal provisions will only apply to meetings as defined in the legislation.*³²
- *In addition a member may have committed an offence if they, pursuant to those parts, provide information that is false or misleading and they*

³² S34 LA 2011 (Offences)

know that it is false or misleading or are reckless as to whether the information is true and not misleading.

- ***A person found guilty may be fined up to level 5 of the standard scale.***
- ***A court dealing with a person for an offence under the Code may by order disqualify the person for a period not exceeding five years from being or becoming a member of Camden or other local authorities.***
- ***Proceedings for an offence may be brought within a period of 12 months beginning with the date on which the sufficient evidence came to the prosecutor's knowledge, but shall not be brought more than 3 years after the commission of the offence or after the last date on which the offence was committed.***